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DELAWARE

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MARYLAND

June 30, 2008

VIA FEDEX

The Honorable Charles L. Brieant
United States District Court
Southern District of New York
300 Quarropas Street
Room 275
White Plains, New York 10601

Re: Geis Properties, LLC v. Shell Oil Company
Civil Action No. 08 Civ. 3911

Dear Judge Brieant:

This firm represents plaintiff Geis Properties, LLC (“Geis”) in connection with the above-referenced action pending before Your Honor. We write to seek the Court’s assistance with an issue relating to discovery in this matter.

As the Court is aware, Geis alleges in its complaint in this action that Shell Oil Company (“Shell”) is responsible for the contamination of a certain parcel of real property (the “Property”) in Westchester County, New York. Prior to the commencement of this action, Geis was involved in a real estate transaction involving the Property with an unrelated third-party. Geis believes that certain documents in its possession relating to this transaction should be disclosed as part of Geis’ initial disclosures pursuant to Fed.R.Civ.P. 26 as well as in response to the discovery demands served by Shell. However, these materials are ostensibly protected from disclosure by confidentiality provisions in the applicable transaction documents. Geis has attempted to obtain the consent of the third-party to the limited disclosure of these documents in the context of this litigation only, but has been unable to obtain such consent as of this writing. We seek the Court’s assistance in resolving this issue so that discovery may proceed without delay.

We have informed Shell’s counsel, Ms. Woolson, of the existence of these responsive materials as well as the instant application. Shell has expressed a willingness to enter into a consent order regarding both the confidentiality and the discoverability of these materials, subject to review and negotiation of the terms of the same. Based on my

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conversations with Court personnel regarding the procedure for obtaining the Court's approval of such a consent order, Geis requests that this issue be referred to a Magistrate Judge for consideration and to determine the manner in which to proceed.

Please do not hesitate to contact undersigned if any additional information is needed in support of this application. Thank You for Your Consideration.

Respectfully submitted,



Nolan E. Shanahan

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cc: Sheila Woolson, Esq. (via e-mail)
Glenn R. Kazlow, Esq.
Gordon C. Duus, Esq.
Gerard M. Giordano, Esq.